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EPA **THE DAY'S WORTH**

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EPA Plunges Into Chaos

By Frank O'Donnell

THE number of vacant desks and empty parking spaces increases each day at the Waterside Mall complex in southwest Washington.

As ignored and despondent career staff officers continue to flee in droves, the once-vibrant Environmental Protection Agency has gradually begun to resemble a rat-infested public housing project.

Parked in front of the drab EPA building is a flashy, four-door 1982 Oldsmobile diesel, equipped with matching slate-gray leather bucket seats, white vinyl top, wire wheels and numerous other accessories.

It belongs during office hours to Anne M. Gorsuch, the 39-year-old James Watt protege and former real estate expert who has become EPA's slumlord.

In seven short months as EPA's head, Gorsuch has overseen EPA's decline from one of the government's most efficiently run agencies to an institution in disarray. Barring Gorsuch's quick departure or direct intervention by Congress, EPA almost certainly will plunge into chaos. It will be impossible to deal with chemical and other environmental problems anticipated to increase through the 1990s.

City Paper
Jan 15-28

(Washington, D.C.)

By Frank O'Donnell

At a time of unprecedented government frugality, Gorsuch found the money to lease the ostentatious new car (which, at about \$7,400 per year, costs four times as much as her predecessor's 1981 Mercury Zephyr, and pollutes more to boot). She's also regaled herself and her top political aides with new carpeting, furniture and other office decorations—furnishings that career staffers say are unnecessary and unrelated to professional tasks.

But if Gorsuch sometimes seems to resemble the emperor Caligula, who lavishly indulged his personal fantasies while Rome began its collapse, the public official she's most frequently compared with is Richard Nixon.

The former president piled lie upon lie in an effort to extricate himself from Watergate, while he isolated himself from reality with his palace guard. Gorsuch has assembled her own retinue of courtiers to minimize her contact with EPA's career staff, and she shares Nixon's aversion to the truth. (She has dissembled before various congressional committees, and lied blatantly on a recent broadcast of the MacNeil-Lehrer Report, telling her interviewers that she got along just fine, thank you, with EPA's career staff.)

On the surface, Gorsuch appears ill-suited to manage an agency of more than 11,000 people charged with protecting the health and environment of more than 200 million Americans. Her managerial experience reached its zenith from 1971-73, when she managed six secretaries, two investigators and one paralegal as Denver's deputy district attorney.

From there, Gorsuch went on to become a hearing officer in matters concerning veterinary medicine and real estate. She later handled real estate questions as an attorney for Mountain Bell Telephone.

Her career was punctuated by two terms in the Colorado House of Representatives, where she was part of a New Right faction known as the "House Crazies," which spent taxpayers' time and money clamoring on issues unrelated to legislative business—including opposing the Panama Canal Treaty and supporting federal right-to-work legislation.

Described by a local newspaper as someone who would "kick a bear to death with her bare feet," Gorsuch had one great legislative victory in Colorado: passage of a criminal code reform bill which had to be amended almost immediately because it was so poorly drafted. She was boosted into the EPA job through ties to James Watt and brewer Joseph Coors, who has helped bankroll right-wing groups like the Heritage Foundation and Watt's Mountain States Legal Foundation.

The Haldeman of her palace guard at EPA and mastermind of Gorsuch's anti-EPA assault is James Sanderson, once a top attorney in EPA's Denver office.

Bypassed for a promotion within the agency, the embittered Sanderson quit and later work-

ed with Watt's legal foundation in a suit against the EPA.

Quickly becoming Gorsuch's first confidant in Washington, he advised her not to trust the bureaucrats he despised. He also made sure she was surrounded by several loyal political hatchet men, including Cliff Miller and Seth Hunt—men with names and behavior reminiscent of the petty oil barons on TV's "Dallas" series, though actually just disgruntled former EPA personnel workers.

Rounding out Gorsuch's inner circle is John Daniel, formerly an attorney with the American Paper Institute and Johns-Manville Corp.—the latter of which at last count was defending itself against 5,800 suits for alleged asbestos poisoning. Despite that illustrious background, Daniel has had to talk and act especially tough to make up for the fact that he's a registered Democrat. Since coming to power, Gorsuch and her aides have spent most of their time plotting to rid the agency of career bureaucrats concerned about the environment—a callous attitude captured perfectly by a recent editorial cartoon in the *Denver Post*, which depicted a grinning Gorsuch plucking the wings off a live butterfly.

Ignored in the process are EPA's enormous statutory responsibilities. Directed by Congress to carry out more than a half-dozen critical environmental statutes, EPA often is the only government voice to safeguard the public from greedy corporate interests and the ravages of air, water, chemical and land pollution.

As Sen. Robert Stafford (R-Vt.) noted earlier this year, other government officials are "charged with protecting the interests of potent political forces" but EPA alone "protects the elderly, the poor or the infirm."

"The obligation to speak for the nation's elderly and infirm and to protect the air and water is a moral one," Stafford said. But he noted the obligation "does not flow from some abstract sense of justice and morality. It flows from the law."

Gorsuch swore that she would uphold those laws. But her track record belies that oath. Hugh Kaufman, a whistle-blowing senior EPA career staffer, accurately noted that Gorsuch and her staff "have an agenda" that includes "stopping the EPA from doing its job as mandated by Congress."

Since taking office last May, Gorsuch has put environmental protection almost literally on ice. Of 148 significant regulations planned by the agency last January—dealing with chemical, air and water pollution and a host of other topics—only three have been completed and nine are still on their original schedule. The rest have been delayed, weakened, or scrapped.

Gorsuch has shrugged off all criticisms of her inaction, saying repeatedly that the "Carter regulatory agenda"—mandated by law—isn't "my agenda."

But she also has virtually terminated a EPA enforcement of existing rules and standards. Gorsuch told a congressional subcommittee recently that she also opposes agency funding for public participation program arguing that EPA should communicate with

the public only through "accepted" methods like the press release. (In a typical Gorsuch release, the agency bragged about the qualifications of a woman appointed as executive assistant to EPA's deputy administrator. Her top accomplishments included being a "native of New Mexico. Her grandfather helped settle the town of Alamogordo, opening the first drugstore there in the late 1800s, when New Mexico was still a territory.")

But Gorsuch and her top aides haven't been reluctant at all to communicate in stealthy fashion with members of regulated industries eager to evade environmental requirements. In a typical example, discovered only because a congressional investigator stumbled by chance onto the meeting, chemical industry lobbyists secured a secret audience with EPA Deputy Administrator John Hernandez.

They argued at the meeting that the chemical DEHP, previously identified by the National Cancer Institute as a cancer-causing agent in animals, wasn't harmful to humans. Hernandez took EPA staffers to task for suggesting otherwise, as he laughingly referred to an Exxon representative as "my chemist."

Faced every day with this sort of attitude by Gorsuch and her top aides, EPA career specialists have been resigning by the hundreds.

The current mood among staffers was perhaps best captured by Steven E. Hoover, a young attorney in EPA's auto enforcement division. In an eloquent letter to the *Washington Post*, Hoover noted staff morale "is so low that there is no known scientific method to measure it." Thousands of additional agency employees would quit immediately "if there were a decent job market in the D.C. area," Hoover said. "However, many people who would like to leave simply cannot find jobs."

By next year, though, hundreds and perhaps thousands of them may have no choice.

In mid-September, Gorsuch formally requested that the Office of Management and Budget slash permanent positions at the agency from roughly 11,400 authorized by Congress for the fiscal year that ended Sept. 30 to slightly more than 8,300 in fiscal 1983. This suggestion comes even as EPA's responsibilities are increasing dramatically to combat toxic waste dumps and other aspects of the chemical revolution.

Though roughly 1,000 employees, including many of EPA's brightest and most able, have quit since President Reagan's election, the Gorsuch-sought budget cuts could mean that several thousand additional employees would be dismissed or "rified" by next year. Those rified generally would be staffers with the least seniority—often those most likely to pump new life into a tired bureaucracy. Within two months, Gorsuch is expected to begin firing between 800 and 1,500 of the 3,800 EPA staffers remaining in Washington—even though none need be fired this year under the agency's current operating budget.

But the actual disruption could be much worse, as senior staffers vie with one another in a mad scramble to "bump" junior staffers out of jobs in other branches of the agency.

A typical "bumping pattern" could work something like this: a hypothetical GS-14 economist with five years experience could bump a personnel officer, who in turn could bump an energy policy analyst, who in turn could bump someone responsible for administering contracts. The net result would be an

economist doing personnel work, a personnel caseworker trying to decipher the mysteries of energy policy and an energy analyst resigned to reviewing contracts. Such a mismatch of personnel, which could extend to thousands of the agency's remaining workers, would leave everyone unhappy and accelerate voluntary resignations. Recent leaked evidence indicates that by June, roughly 80 percent of agency personnel in place last January will either have quit, been fired or "bumped" downwards.

In the process, EPA will become a crippled institution, as harried staffers spend months simply trying to figure out the bumping routes.

Gorsuch and her staff have signalled that this won't take place by accident. By reorganizing the agency's divisions, she effectively can determine who gets rified and bumped.

As one of her first official actions, Gorsuch abolished the agency's enforcement division, a corps of young, aggressive attorneys who formed the heart of EPA's anti-pollution program. By lumping the attorneys into other divisions generally staffed with more senior workers, Gorsuch effectively put the enforcement officers on the endangered species list.

(In this regard, Gorsuch is following a precedent set by her mentor James Watt, who effectively disembowled the Interior Department's Office of Surface Mining through a reorganization.) As additional cutbacks take hold at EPA and other federal departments, the entire government process will become noticeably less efficient, thus enabling Ronald Reagan to continue campaigning against the bureaucracy.

Wounded by adverse press coverage, Gorsuch's advisers recently have begun a media campaign to rehabilitate her image and present a "new" Anne Gorsuch not unlike the "new Nixon" of 1968.

They leaked throughout Washington a draft memo from Gorsuch to OMB Director David Stockman, complaining about suggested OMB plans to cut EPA's budget even further. Stockman, in fact, merely had suggested cutting back to levels Gorsuch already was planning for fiscal 1984, but the Gorsuch memo laments this would put the agency "in disarray."

The leaked memo appears designed to accomplish two ends—to make Gorsuch appear a beleaguered heroine of the environment, whose original budget cuts appear mild by comparison, and to strengthen Stockman's hand in arguing that the president must reconsider defense cuts or tax increases as an alternative.

Gorsuch's top aides recently have leaked out word that their sybaritic boss has "won" back most of the additional cuts sought by Stockman. This means EPA may have to lift "only" several hundred extra workers in addition to the several thousand originally targeted by Gorsuch. But before breathing a sigh of relief from the air Gorsuch will help pollute, consider what Sen. Stafford said of the original—and smaller—Gorsuch-proposed budget cuts.

"Decreases of such magnitude," he said, "could amount to a de facto repeal of some environmental laws. We would do better to repeal those laws outright," he added, "than to perpetrate a cruel hoax on the American public."

EPA chief Anne Gorsuch's managerial experience reached its zenith when she supervised seven people as Denver's deputy district attorney. Now she manages 11,000 and staff morale is at an all-time low.

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Monsanto data

ST. LOUIS POST DISPATCH 24 FEB 92

Sauget Toxin Leak Spurs Check Of Mississippi

By Bill Lambrecht
Post-Dispatch Illinois Bureau
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SPRINGFIELD, Ill. — Federal environmental officials are checking to determine whether the Mississippi River is threatened by a toxic waste landfill at Sauget in the Metro East area, where trace amounts of dioxin were discovered among leaking chemicals, the Post-Dispatch learned.
Dioxin and larger concentrations of other industrial chemicals were identified in tests by Monsanto Co. of St. Louis, owner of the landfill, the company acknowledged this week.
Dioxin is a contaminant byproduct of herbicides such as those produced at

Monsanto's W.G. Krummrich plant nearby.
It is highly toxic, and received wide attention as a byproduct of the Agent Orange defoliant used in the Vietnam War and as one of the chemicals in Love Canal at Niagara Falls, N.Y. But the Love Canal dioxin was roughly a thousand times stronger than that found at Sauget, which is across the river from south St. Louis.
Last November at Sauget, government inspectors in masks and protective clothing took samples of leaking chemicals. Six weeks earlier, Illinois state inspectors had noticed pungent chemicals seeping from the ground.

Tests of the samples were to be done by both Monsanto and the federal Environmental Protection Agency, but federal testing is not finished. The Illinois attorney general's office also joined the investigation last week.
Tests for Monsanto were returned last month from the Environmental Analytical Services Center in Dayton, Ohio. They showed "extremely low levels of dioxin in the parts per trillion," said Sarah Collins, spokeswoman for Monsanto.
"We don't believe that the situation poses a hazard to people's health or the environment," Ms. Collins said.
Other industrial chemicals were shown in parts per billion, she said. The

company declined to provide results until informing officials U.S. and Illinois Environmental Protection Agencies of the findings. Government officials had not been notified as of late Tuesday.
Records of state inspection from tests of monitoring wells last spring showed phenol concentrations as high as 13,000 per billion and benzene compounds as high as 3,000 parts per billion. Several moderately toxic substances commonly in chemical manufacturing were also found.
Kenneth R. Mensing, the EPA's land pollution chief in St. Louis, said that he feels a "strong need" to see the results.
See CHEMICALS, Page 2

Chemicals

■ FROM PAGE ONE
urgency" regarding the leaking chemicals at Sauget. No action was planned at least until the sampling at the federal level was done.
"We're at the point where we've identified a problem, and we're waiting for test results to see what that problem is," Mensing said.
"We're not just going to sit and watch this stuff leak into the river." A federal EPA attorney, Kathleen Buttolph, said that agency's test results were expected any day. She said that a meeting would be scheduled with Monsanto when the findings are known.
"We have a fair idea that they are polluting the Mississippi River, based on what the Illinois EPA has told us. But we can't say 'stop polluting' until we know what is there," Ms. Buttolph said.
The Sauget landfill was one of four sites in the Metro East area and 28 throughout the state nominated by the Illinois EPA recently as candidates for the federal Superfund — a \$1.6 billion trust fund approved in 1980 to clean up old toxic waste sites. But that money is tied up for lack of federal rules on how to use it.
Illinois officials said they would seek a cleanup of the Sauget landfill, if necessary, even without the federal money. One state lawyer noted that enforcement is often more easily obtained against large companies "with deep pockets" than when dealing with abandoned sites.
Illinois Attorney General Tyrone C. Fahner became involved in the Sauget investigation last week after learning it was a candidate for the Superfund. He sued this month to force the federal EPA to release Superfund money.
Fahner said: "We know of the seepage at the Monsanto facility, and we intend to find out how bad it is. We feel that it is something that should be dealt with quickly."
An engineer from Fahner's Chicago office was sent to Springfield on

Tuesday to examine state EPA records relating to the Sauget landfill.
Monsanto capped the landfill with clay material in 1978, four years after the company had stopped dumping there. From 1958-74, it served as a repository for a variety of chemical manufacturing wastes.
During that time, chemical wastes often were dumped in bulk, a state inspector said. Today, such waste is usually buried in drums.
Monsanto's Krummrich plant converts about 80 raw chemicals into about 40 chemical products from herbicides to dyes, the company spokeswoman said.
Another landfill a short distance to the east was identified by a congressional subcommittee two years ago as the site where Monsanto dumped thousands of tons of toxic chemicals from 1950 to about 1973. It is now under review by federal authorities.
Environmental officials declined to speculate on potential dangers posed by the leaking landfill or what steps could be taken to clean up the site.
One official said he was concerned about a "sponge effect," in which high waters could soak the materials from the ground, then carry them down river.
The nearest community in Illinois using the Mississippi River for drinking water is Chester, 70 miles south of Sauget. Cape Girardeau, 65 miles down the river from Chester, is the closest Missouri community south to use Mississippi River water.
Of the chemicals discovered at Sauget, dioxin is by far the most dangerous. For example, a study published in 1979 by the U.S. Department of Health and Human Services showed that 0.08 parts per trillion of dioxin killed 50 percent of the mice that ingested the chemical. Half of the mice in another test died when their skin came in contact with 0.114 parts per trillion.

There is going to be a major conflict

Fort Wayne/Regional

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Section

The Journal-Gazette

Sunday, February 21, 1982

Acid rain a burning issue

'The point is not to get your name in the paper, but to bring an issue to the eyes and conscience of the public. You use the attention as a vehicle toward effecting change.'

— Peter Dykstra, Greenpeace

By SHERMAN GOLDENBERG
Staff Writer

The Greenpeace environmentalists who climbed power plant smokestacks in southern Indiana two weeks ago lodged some serious charges at the Hoosier state and the way it regulates airborne pollutants from coal-burning utilities.

It is not the first time the allegations have surfaced in Indiana. Nor is Greenpeace the sole critic.

A host of other environmental groups, Eastern state officials and the Canadian government have accused Indiana of being a major contributor to an acid rain problem on the East Coast and in Canada.

Acid rain is believed to be caused by the accumulation of sulfur and nitrogen dioxide gases in the atmosphere from fuel combustion in coal and oil furnaces and auto engines. Backed by some scientific evidence, environmentalists claim the gasses are carried thousands of miles before falling as an acidic precipitation and damaging crops, forests and animal life from the Adirondack Mountains of New York to the pristine lakes of Ontario.

Canadian officials have launched an unprecedented initiative in Congress and, starting last fall, in individual states, to air their grievances.

'Since we're not requiring controls, I don't see how anyone could call them (standards) strict.'

— State Board of Health official

New York, Pennsylvania and Maine filed petitions with the U.S. Environmental Protection Agency in 1980 and 1981, claiming their pollution problems are compounded by emissions from utilities in Indiana, Ohio, Illinois, Kentucky and West Virginia. Two of the petitions seek to strengthen emission standards in those five states, as well as Michigan and Tennessee.

Fourteen Midwestern utility companies, including five Indiana firms, last week filed rebuttals to the petitions, disputing the contention that Midwestern utilities are responsible for pollution problems several states away. They contend sources closer to the East Coast are at fault.

The Canadians, too, have asked for stricter emission standards, the use of scrubbing devices to filter sulfur emissions or a switch to low-sulfur Western coal.

Only recently, however, did environmentalists resort to civil disobedience to get their point across. They briefly occupied a 684-foot smokestack at the Indiana-Kentucky Electric Corp.'s Clifty Creek gen-

erating station on the Ohio River near Madison and also climbed smokestacks in Ohio and Arizona.

Clifty Creek was a likely site for a protest. Last October, Ontario provincial officials attended a Indiana Air Pollution Control Board hearing and asked that sulfur emissions from the plant be lessened. They called the plant one of the nation's six worst acid rain contributors.

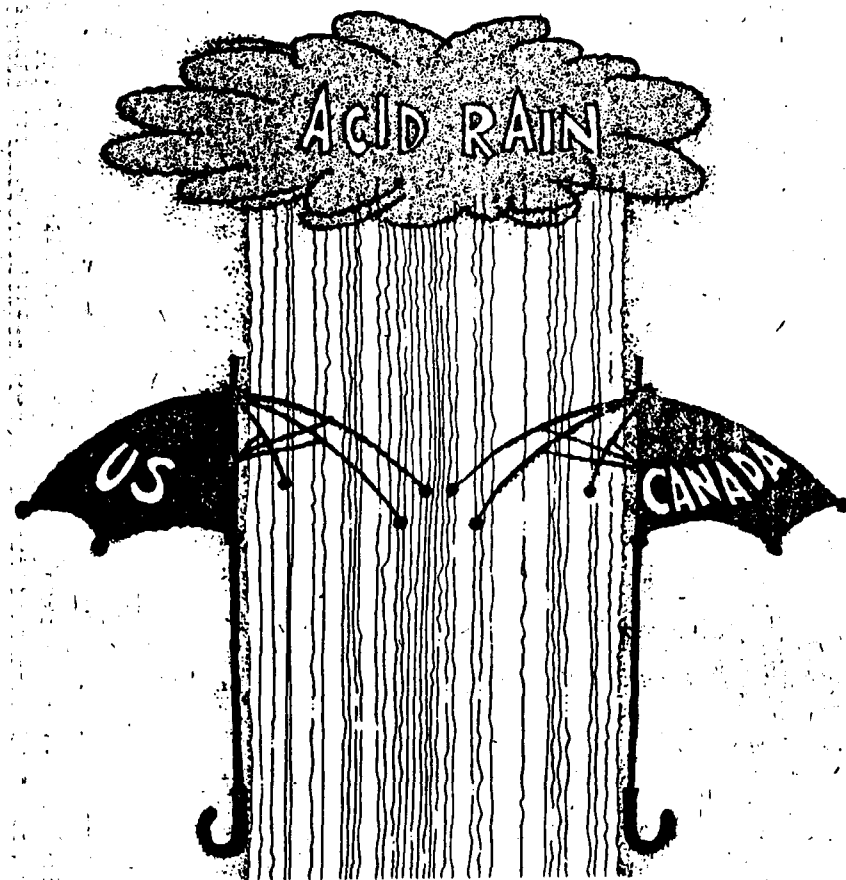
Instead of tightening standards for the plant, the pollution board granted a variance, allowing Clifty Creek to spew emissions at a greater level than state law previously permitted.

The decision reflected the state's and utility industry's consistent stand on the acid rain issue. The plant is operating within state law, the state economy makes it necessary to continue burning high-sulfur Indiana coal to keep Hoosier mines employed, and no expensive changes should be implemented until the cause of acid rain can be proven beyond doubt.

In congressional hearings earlier this month, the 50,000-member Izaak Walton League of America, nationwide conservation group, claimed the cost of controlling acid rain is "not insignificant," but its benefits make the expense worthwhile.

Yet Indiana's utility companies apparently are not about to refit plants with expensive scrubbing equipment or buy out-of-state coal until the scientific community proves a direct correlation between acid rain and coal-burning plants.

See RAIN, Page 6



GENE LANGLEY FOR THE CHRISTIAN SCIENCE MONITOR

Midwest accused of being major cause of acid rain

Rain

From Page 1C.

tween a belching smokestack in Madison and a wilting vineyard in Bangor, Maine. Utility directors and elected officials warn against swift action.

"We know we've got a problem, but we're not sure of the sources yet," said 4th District Rep. Daniel R. Coats, R-Ind., who advocates boosting funding for a 10-year federal acid rain study initiated during the Carter administration.

"Acid rain is an issue that will not be resolved quickly," said a spokesman for the Northern Indiana Public Service Co., who asked that he not be identified. "Almost all parties to the issue are aware of the need for more information, which will take a number of years to collect, analyze and interpret. Even officials responsible for environmental protection acknowledge that more facts are needed before corrective strategies are prescribed."

The EPA has allowed states to regulate utility emissions — for the time being — within limits of the federal Clean Air Act and subject to EPA approval. An Indiana plan submitted in 1980 is under consideration, said EPA staff meteorologist Tim Method.

Method said the agency's sulfur emission standards are not finalized and thus are generally unenforceable. He said the EPA lacks credible evidence to set those standards.

The fact that only one Indiana plant — one in Petersburg, owned by Indianapolis Power & Light Co. — has been fitted with control devices is an indication that Indiana's emission laws are more lax than those of some states, says Ed Stresino, chief of air pollution enforcement for the State Board of Health.

"Since we're not requiring controls, I don't see how anyone could call them (standards) strict," he said, adding that the intent of the current policy is to set limits that encourage the use of Indiana coal.

One recent EPA study said stricter controls would boost utility bills by

1.4 percent nationally and 5 percent to 6 percent in Ohio, Indiana and Missouri. Another EPA study said the hike in those three states would be closer to 9 percent.

Meanwhile, the acid rain debate is being staged on several levels:

- There is widespread support for increasing research funding. The Reagan administration has proposed a hike of 60 percent for fiscal 1982, from \$11 million to \$18.2 million. Environmentalists, however, say the evidence already is in and additional research is a stalling tactic.

- The Clean Air Act, due for reauthorization later this year, does not address acid rain concerns. Environmentalists say it should; utility companies would like to see it relaxed.

- A bill in Congress sponsored by Sens. George Mitchell, D-Maine, and Daniel Patrick Moynihan, D-New York, is perhaps the most immediate hope for environmentalists — and threat to utilities. It would require 31 states to reduce sulfur emissions by 40 percent in the next 10 years.

The reaction in Indiana to the Mitchell-Moynihan bill was predictably negative. Sen. Richard G. Lugar, R-Ind., claims passage would have a "devastating" effect on coal mining in southern Indiana and would mean 5,400 Hoosier miners could lose their jobs. The president of the Indiana Mine Workers Union concurs.

William G. Loftus, vice president of American Electric Power Co., claims the bill could cost AEP's seven million customers in seven states — including those served by the Indiana & Michigan Electric Co. subsidiary — as much as 70 percent more in monthly electric bills.

Like his utility colleagues across the Midwest, Loftus is an advocate of stepped-up federal research.

"If indeed there is a problem here, why not accelerate federal research — since everybody thinks it (acid rain) is such an Armageddon — and complete the study in five years instead of 10," he said. "But let's base it (any decision) on facts."

N.Y. Times
2/28/82
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ENVIRONMENT UNIT IN CAPITAL ENDED

Transportation Dept. Cutting Authority of Top Aides to Stay Construction Jobs

By ERNEST HOLSENDOLPH

Special to The New York Times

WASHINGTON, Feb. 27 — The Department of Transportation has eliminated its Office of Environment in a reorganization that private environmental workers fear may make it more difficult to prevent destructive side effects from new transportation projects.

The office is also about to take away the power of senior aides of Transportation Secretary Drew Lewis to block projects on environmental grounds, leaving those decisions to such lower ranking agencies as the Federal Highway Administration, the Federal Aviation Administration and the Urban Mass Transit Administration.

A spokesman for the Transportation Department, Richard H. Schoenfeld, said this week that the work of the environment office would be taken over by a new office of economics under Judith T. Connor, Mr. Lewis's Assistant Secretary for policy and international affairs. "The reorganization is being done to increase efficiency and will not mean the end to the department's concern about environmental questions," Mr. Schoenfeld said.

Mr. Schoenfeld emphasized that Mr. Lewis had not yet approved a proposal to eliminate the power of his Assistant Secretary to effectively veto projects on environmental grounds.

Role of the Environment Office

The office, which received studies on the impact highway construction plans and other capital projects could have on the environment, has had a hand in delaying some projects until they were modified. It has blocked others, most notably a proposed beltway around Richmond, Va.; a Dayton, Ohio, freeway; a highway through Memphis and the Century Freeway in Los Angeles. The office was unable to get the department to block New York City's Westway road project.

Smaller projects have also drawn the attention of the environmental office. An interchange on an interstate highway through Mississippi was eliminated when it was found that it threatened the sand crane.

According to sources in the Transportation Department, there has been a running battle between its environmental office and its highway section over the last decade. The highway section objected to delays caused by environmental scrutiny.

On Friday, six of the environmental office's 22 staff members and secretaries were relieved of their duties. Those who remained were told that they would be expected to continue studying environmental impact statements and offering recommendations. "It is pretty clear that we will no longer have the clout that we once had," said a staff member.

In Line With Policy

Kenneth Reigner, director of the Center for Environmental Education, a private public interest group, said that the move at the Transportation Department "seems to be in line with the Administration's policy on environmental questions."

The environmental office dealt with construction of airports and monitoring the impact of noise on nearby residents; studying the effect of urban freeways on residential communities and traffic flow, and bridges and subway lines.

Among its major achievements have been strict noise standards for aircraft, which effectively blocked supersonic flights, and a slowing of some urban highway construction, often to the consternation of states' highway departments that complained to the Transportation Department.

Mr. Lewis's reversals of highway decisions in Richmond and Dayton made in the Carter Administration were considered an expression of an attitude of leaving construction decisions to agency heads and state planners.

3/1/82 N.Y. TIMES

Why Lead Should Not Be Added to Gasoline

To the Editor:

The possibility that the Environmental Protection Agency will rescind its regulation limiting the quantity of lead which may be added to gasoline (news story Feb. 19) is ominous and disquieting.

Lead poisoning is one of the greatest health hazards affecting children. Chronic lead poisoning may become manifest as varying degrees of mental retardation, learning disabilities and behavioral disturbances in childhood, and the effects may persist for life. It was to help prevent such serious problems that the E.P.A. promulgated its anti-lead regulations.

Young children, whose brains are still developing physically and physiologically as well as intellectually, are the most susceptible to the insidious effects of environmental lead. At high blood levels the metal kills brain cells and causes acute, severe illness.

This impressive effect resulted in strong public pressure to remove lead from paint, the most important source of lead in acute intoxication. The fact

that the degenerative effects of lead in chronic intoxication, such as that caused by exposure to lead fumes from gasoline, are less dramatic is no reason to capitulate to industry pressures.

Even from the cost/benefit perspective, prevention of chronic lead poisoning is desirable. The cost of therapy and long-term care for large numbers of brain-damaged children and adults is enormous; lead-induced disability is one of the most preventable causes of such problems, and thus should be a key target area for those desiring to reduce governmental outlays for medical care.

It is frightening to hear a serious argument that gasoline cost considerations are more important than the welfare of the young. We, their guardians, must raise our voices in opposition to such perfidy.

LAWRENCE T. TAFT, M.D.

BRIAN G. ZACK, M.D.

Piscataway, N.J., Feb. 19, 1982

The writers are, respectively, chairman of and assistant professor in the Department of Pediatrics of the Rutgers Medical School.

N.Y. TIMES (1)

U.S. AGENCY SEEKS RELAXING OF RULE ON TOXIC DUMPING

E.P.A. Also Lifts for 90 Days
Standards for the Disposal
of Chemicals in Drums

By PHILIP SHABECOFF
Special to The New York Times

WASHINGTON, Feb. 28 — The Environmental Protection Agency has proposed a reversal of current rules that ban the burying of drums of hazardous liquids at landfills for waste disposal. It wants to permit such sites to fill up to 25 percent of their capacity with barrels of toxic liquids.

The agency also said it was suspending the ban for 90 days while comments on the proposal were heard, permitting any hazardous liquids in barrels to be dumped at the landfills in that period.

In a notice sent to the Federal Register for publication, the agency said it wanted to change the rules because the current prohibition on landfill disposal was unworkable. It also said that the rules barring the burial of barrels containing even minute amounts of liquids could create health hazards by requiring barrels of wastes to be opened to see if they contained any liquid.

A coalition of environmentalists and companies involved in waste disposal said they would file a petition against the suspension on Monday.

Under the Resource Conservation and Recovery Act, interim standards banning such disposal methods for liquid wastes went into effect last October.

Previously, barrels of toxic liquids could be buried at waste disposal landfills. Disintegrating drums of hazardous chemicals that leaked years after burial in landfills were blamed for such health problems as the one at Love Canal in Niagara Falls, N.Y.

Alternative Disposal Methods

The changes proposed in the notice sent to the Federal Register last week are being opposed by an unusual alliance of environmentalists and private companies who have invested in alternative methods of liquid waste disposal, such as incineration. The companies object that the Government wants to change the rules after the companies have invested in the alternative disposal methods.

Marvin Durning, an attorney for a

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N.Y. TIMES 3/1/82 (2)

E.P.A. Suggests Change In Rule on Toxic Liquids

Continued From Page 1

new trade group called the Hazardous Waste Treatment Council, whose members are companies engaged in incineration and other disposal alternatives, said the council planned to file a petition Monday in Federal District Court in Washington to block the 90-day lifting of the rules.

The council's draft petition said that the proposed change in standards, as well as having an adverse economic impact on its members, would also pose the threat of "imminent public health and environmental adverse consequences."

Mr. Durning, a former chief of enforcement for the E.P.A., said the group hoped to be joined in its petition by the Environmental Defense Fund, a non-profit group that deals with environmental hazards, including the issue of toxic waste disposal. Kristine Hall, an attorney for the defense fund, indicated that the group would join the council's effort.

'Giant Step Backward'

"This would be a giant step backward," she said of the proposed change. "They are going to let them put the stuff in the ground with no controls. Those things leak. That's why they were banned in the first place."

She also described the Federal agency's initiative as "flying in the face of a progressive industry" that was engaged in environmentally preferable means of waste disposal.

In its notice, the E.P.A. acknowledged that waste containers eventually degraded when placed in landfills and that their liquid contents leached into the

ground. As the drums collapse and disintegrate, the the landfills themselves can sink, allowing more water to collect and increasing the leaching problem.

The agency also stated that "strongly believes that the introduction of containerized free liquid wastes in landfills should be minimized to the extent possible, if not prohibited."

Even One Drop Is Banned

However, the notice went on: "The agency believes that the current prohibition is too extreme for real-world application. In its literal interpretation, landfill disposal of containerized waste containing only 'one drop' of free liquid is banned. This would often require extraordinary, high-cost management practices to achieve compliance."

The agency said that the proposed formula for letting 25 percent of the volume of hazardous waste drums consist of chemicals in drums was derived from a proposal by the Chemical Manufacturers Association, which includes most of the major chemical companies, and the National Solid Waste Management Association, made up of companies that operate waste disposal facilities.

In its petition requesting a stay of the 90-day suspension of the ban, the Hazardous Waste Treatment Council complained that the agency improperly based its decisions on information from parties that would benefit from the decision. It did not specify those parties but it did say that the suspension violated the Administrative Procedures Act, which requires that advance notice be given and comment taken on proposed regulatory action.

The ban on placing drums of hazardous liquids in landfills is part of the "interim" standards established under the Resource Conservation and Recovery Act. The act was passed in 1976 but the environmental agency has yet to decide final standards governing hazardous waste disposal in landfills.

The agency was under a court order requiring it to publish such rules by past Feb. 1. However, it obtained a temporary extension of the deadline and still has not indicated when it would definitely produce such rules.

Secretary to the President

N.Y. TIMES 2/28

(2)



Representative John D. Dingell

wilderness when actually developing legislation to gut the nation's wilderness system," said John P. Seiberling, the Ohio Democrat who heads the House Public Lands and National Parks subcommittee.

For one thing, according to a draft of the bill, the President could in a loosely defined time of urgent national need make available for development certain wilderness areas; Congress could stop him only by passing legislation within 60 days. The Interior Department said that Mr. Watt's critics were both unfair and frantic, "desperate to keep the wilderness issue alive by falsely attacking a good idea."

Meanwhile, Mr. Watt's dispute with a House committee over its right to certain documents escalated another notch. At the urging of Representative John D. Dingell, the Energy and Commerce Committee voted 23 to 19 to cite him for contempt of Congress. Despite a subpoena issued by a committee subpanel, Mr. Watt has refused to provide the documents, which detail how the Administration has responded to Canada's investment and energy policies in the United States.

N.Y. TIMES 2/28
**Second Thoughts
On Watt's Plan**

(1)

It seemed almost too good to be true, that announcement last week by Interior Secretary James G. Watt that he wanted to keep miners and drillers out of the Federal Government's wilderness areas. Sure enough, his critics were saying before long, it was.

Mr. Watt said that the Administration would ask for a mineral development ban that would last until the end of the century. At one point last year, Mr. Watt had said he favored letting miners and drillers apply for mineral leases on the 80 million acres of wilderness until the year 2003.

But subsequent reviews of legislation introduced by the Administration later in the week raised questions.

"This appears to be an attempt by the Administration to protect itself as ord-

Possible Revisions in the 1973 Law Intended to Protect Endangered Species

By BAYARD WEBSTER

In the last few years disputes over a species of tiny fish, a snapdragon plant and two kinds of butterflies have delayed or caused plans to be changed for a city-sized housing development and two huge dams in the United States.

The fact that the mere presence of such simple life forms could have affected these major building schemes of humans is the result of a landmark piece of legislation, the Endangered Species Act, passed by Congress in 1973.

The act forbids Federal agencies or a project aided by Federal money to harm an endangered species or damage its habitat. The law's effect on the dams and the housing project has stirred up questions that are proving nettlesome for both developers and conservationists.

They wonder, for example: What is the worth to humanity of the snail darter compared with that of the Tellico Dam in Tennessee, of the Furbish lousewort compared with the Dickey-Lincoln Dam in Maine or of butterflies compared with the proposed San Bruno Mountain housing development in California?

Such issues lie close to the surface in debates before the Congressional committees that must decide in the next few months what parts, if any, of the legislation should be revised. The present act, largely the same as the original legislation, is due to expire Oct. 1, and recent skirmishes between its supporters and detractors in reauthorization hearings in the Senate and House are early indications that the act may be facing the biggest crisis of its relatively short life.

The Background

The Endangered Species Act had its genesis in 1966 when a small, one-person office was set up in the Interior Department to study the possible need to protect some of the nation's wild animals.

The office was a result of a growing tide of awareness in the middle of this

century of the importance of wildlife, sparked by such naturalists as John Muir, William Beebe and Aldo Leopold. They stressed that other living organisms besides *Homo sapiens* played a vital role in people's lives and needed protection.

In 1969 a second, slightly more comprehensive act was passed. And in 1973, as a result of growing pressure from wildlife and conservation groups, the present act was passed. Considered an unparalleled piece of legislation, it applies to every plant species and defines wildlife as all creatures ranging from multicellular sponges to the great apes. It also calls for protecting the critical habitat of any species in danger of extinction.

Its provisions give the Interior Department the power to determine what species are endangered and then to list them publicly. It makes it illegal to capture, kill, transport, sell, buy, possess, import or export any of the listed plants or animals. There is a separate category for "threatened" species, those organisms that are on the brink of becoming endangered. They are equally protected, except that scientists may take specimens when necessary for vital research.

In the United States the Office of Endangered Species currently lists 51 plants and 143 animals as endangered and 7 plants and 38 animals as threatened. To prevent the import or trade of endangered species native to foreign countries, the office lists 402 foreign animals as endangered and 16 animals and a plant as threatened.

Act Was Amended in 1978

The act is administered by the office in the Fish and Wildlife Service, an arm of the Interior Department. There are currently 350 workers around the nation and a staff of 33 professionals and 11 support workers in the Washington office.

The act was amended in 1978, after the Tellico Dam controversy was quelled when Congress, for that one project, overruled the legislation. The amendment forced Federal agencies to work more closely with the Interior Department in the early stages of a

proposed project so that plans could be modified, if necessary, for species protection without a long dispute.

The amendment also added a provision that would allow a major project to proceed if its benefits clearly outweighed those of preserving a species. The permission could be granted by a committee made up of six high-ranking Federal officials and a representative of the affected state. Such a group is now widely known among environmentalists and knowledgeable Washingtonians as "the God Committee."

It is these recent changes, along with several other provisions in the act, that have caused controversy as the bill heads for further Senate and House hearings. To be reauthorized, a final version of the bill with proposed revisions must be completed by May 15. It must then pass both houses of Congress. If it is not passed and signed by President Reagan before Oct. 1, the act will lapse.

For the Act

A sign of the depth of feeling on the act is the fact that a number of well organized groups have been formed on opposite sides of the fence.

The principal coalition among those who favor retaining and strengthening the act is the Endangered Species Act Reauthorization Coordinating Committee, based in Washington. It is made up of two dozen organizations prominent in the field of natural resources and wildlife biology, including the Environmental Defense Fund, the Humane Society of the United States, the American Institute of Biological Sciences, the National Audubon Society, the Natural Resources Defense Council, the Sierra Club and the World Wildlife Fund.

Citing the accelerating rate of extinctions — the current estimate, by Edward O. Wilson, a Harvard biologist, is 1,000 species a year — scientists have pointed out in Congressional hearings that the rate may reach 10,000 a year, or one an hour, by the end of the decade.

And they emphasize how plants and

animals can benefit humans, pointing to the value of the horseshoe crab's blood in medical research and the armadillo in leprosy research. Peter H. Raven, director of the Missouri Botanical Garden, said that if it were not for plants there would be no animals, including humans. He reported at a Congressional hearing that recent studies had shown that the evening primrose, a common roadside plant, contained chemical compounds that might play a role in controlling heart disease and arthritis.

Dr. Norman R. Farnsworth, a University of Illinois chemist, reported at a symposium on endangered plants that about 5,000 of the world's estimated 500,000 plant species were believed to have medicinal value. But their value may never be realized, said Thomas Elsner, a chemical ecologist at Cornell. He testified at a Senate hearing that many species of flowering plants that might have medicinal value were being extirpated before man had a chance to test them.

Most scientists think that, in addition to the obvious esthetic and moral rationales, biological and ecological reasons should govern the listing of endangered species. This view was recently expressed by Dr. Thomas E. Lovejoy, vice president for science of the World Wildlife Fund, who said that one of the main reasons for not permitting any species to become extinct was that we are "far from knowing the full potential for the benefit of people of the biological resources with which the planet is endowed."

Against the Act

Those opposing the philosophy of the act and some of its specific provisions are mostly utility, mining, forestry and related industry groups, which think their actions are hampered and their interests threatened by it. Their main argument is that more weight should be given to the expected economic values of a project as opposed to the potential values of the plant or animal that might be threatened by it.

This argument relates to recent

amendments to the act that call for intensive prior investigation and discussion of a project's possible impact on the endangered species inhabiting a site. One section also calls for establishing and protecting "critical habitats" for an endangered species found in a prospective construction site.

The American Mining Congress is seeking a change in the way species are listed, suggesting that the act confine itself mainly to animal vertebrates, with little or no emphasis on plants or lower life forms.

The National Forest Products Association seeks the elimination of the act's authority to protect subspecies. Such elimination would mean that such animals as the grey wolf, grizzly bear, Everglades kite, bald eagle, California sea otter and Florida panther would not be protected.

In general, most of the groups and organizations that seek to ease the act's restrictions cite the large amounts of time, money and red tape now required by the relatively new provisions of the act.

The Outlook

Interior Secretary James G. Watt has sent a letter to both Congressional committees involved, saying he would like to see the present act reauthorized with only minor revisions for one year

instead of the normal three-year period. He has also indicated that the Reagan Administration will not present a policy position on the act.

Mr. Watt's critics contend that since this is an election year, when pressures on candidates to keep a strong act might be greater, he feels he would have a better chance to revamp and perhaps weaken the act next year.

Senator John H. Chafee, Republican of Rhode Island, the chairman of the Environmental Pollution subcommittee that is conducting hearings on the act, has indicated that there is broad support in the Senate for keeping the act strong. Such feelings signify that the Senate and House will continue to hold hearings on the act, respond to them and send a revised act to the President for a three-year authorization as in past years.

But what kind of an Endangered Species Act will result?

A longtime observer of the hearings, William J. Chandler, head of W. J. Chandler Associates, which specializes in natural resource policy development and research, is not sure.

"Things are so confused," he said. "But I haven't heard anyone say they're going to rewrite the Endangered Species Act. I think they'll limit the discussion to a few issues and wind up with as little change as possible."

WASHINGTON POST 2/22/82

EXECUTIVE NOTES

The Environmental Protection Agency has named Rita M. Lavelle to take charge of the \$1.6 billion "Superfund," the Love Canal-inspired program Congress set up to handle chemical spills and abandoned hazardous waste dump sites. By Reagan administration standards, the new EPA assistant administrator has the best of qualifications for this job: She was a flack for Aerojet Liquid Rocket Co., a subsidiary of Aerojet-General Corp. of California.

Aerojet-General has, according to EPA, the third worst pollution problems in the state of California. In 1979, the state charged it with dumping as much as 20,000 gallons a day of toxic chemical wastes—including arsenic, sulfates, phenols and carcinogenic materials—into unlined ponds and a swampy area. That case is still in litigation, and the firm is involved in at least three other lawsuits by former employees and their families over asbestos contamination.

As an assistant EPA administrator, Lavelle will also be responsible for administering business compliance with the Resource Conservation and Recovery Act. "Rita Lavelle brings over 12 years of professional experience in state government and private industry to the agency," says EPA head Anne Gorsuch. "She has demonstrated expertise in getting results, as shown by her record with the executive branch of government in California, with a mid-sized chemical firm and with a large diversified international corporation."

★ ★ ★ ★ ★
INTELLIGENCE BUSINESS... Mary Lawton, a third-generation career bureaucrat, is back at the Justice Department as head of the supersensitive office of intelligence policy and review. The office reviews all the nation's counterintelligence electronic surveillance warrants.

—Cass Peterson

WASHINGTON POST 2/25/82
REWARDS... Jacqueline E. Schafer has been named the Environmental Protection Agency's regional administrator in New York, an area that also covers New Jersey, Puerto Rico and the Virgin Islands.

Schafer comes to the EPA from the staff of the Senate Environment and Public Works Committee. She also researched environment and energy for the Reagan/Bush campaign and wrote up a transition report on the White House's Council on Environmental Quality. The council has been severely pruned under the Reagan administration.

—Peter Behr and Cass Peterson

WASHINGTON POST 2/25/82

GAO Says Watt Should Pay Part Of Party Costs

By Mary Battista
Washington Post Staff Writer

Interior Secretary James G. Watt misused almost \$9,000 in government and private funds to pay for two controversial private Christmas parties held at Arlington House, the General Accounting Office said yesterday.

As a result, Watt apparently is required to reimburse about \$4,500 of the expenses personally.

The Interior Department "was not authorized to use either its operating appropriations or donated funds to pay for either" of the social events, the GAO report said. Although expenses for one of the parties may be paid from the remaining money in Watt's 1982 official entertainment budget, that money will be insufficient and about \$4,500 must be paid "by the Interior officials who authorized the expenditures," the GAO said.

Interior spokesman Douglas Bal-
See WATT, A23, Col. 1

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Watt Held Liable for Party Expenses

WATT, From A1
dwin said the GAO report is "in error. We carefully researched the propriety and procedures of the Lee Mansion events before they occurred. We are confident everything was done correctly."

But Rep. Edward J. Markey (D-Mass.), chairman of the House Interior Committee's subcommittee on oversight and investigations, said that "since GAO indicated Secretary Watt broke the law, I expect him to come to [a] hearing [scheduled for Friday] with checkbook in hand, ready to reimburse the federal treasury." Both Interior officials and Arlington House volunteers are expected to appear at the hearing called by Markey.

Although invited, Watt has declined to attend the hearing, saying he does not want to be involved "in a media sideshow."

The parties, a cocktail party on Dec. 17 and a small breakfast hosted by Watt's wife Leilani three days earlier, were first criticized by volunteer guides at the Park Service-owned mansion as improper use of a national monument.

Arlington House, sometimes called the Custis-Lee Mansion, the home of Robert E. Lee overlooking Arlington National Cemetery, was closed to the public during regular visiting hours during the breakfast,

and historic furniture was moved in and out of storage for the events. A large, heated tent was pitched on the lawn for the cocktail party, and the circular driveway, off limits to tourist traffic, was used by official limousines and other guests' automobiles.

At the time, Interior spokesmen described the parties as unofficial and denied that any of the agency's employees present were paid for their help. The GAO report says 28 Park Service employees worked a total of 166 hours, most of it overtime, to run the two parties, at a cost of \$2,200.

According to the GAO report, the Dec. 17 cocktail party cost \$6,921 and was attended by more than 200 high-ranking government officials, including presidential adviser Edwin Meese and members of the Republican National Committee. Watt initially billed \$1,800 in Park Service labor costs to the Park Service, intending later to reimburse this from his official entertainment fund or from a fund composed of voluntary donations from nonprofit historical groups that sell literature in national parks.

Watt's stated intention to pay for the parties out of that voluntary fund drew fire from members of some associations that contribute to the fund, as well as from Markey, who asked the GAO to investigate.

Watt announced his intention this month to refund \$2,000 in party expenses to the voluntary donations fund from his official entertainment fund.

The GAO said yesterday neither the Park Service funds nor the voluntary fund could be used to pay for the cocktail party as "neither the breakfast or the party were associated with any... government conference or meeting." The GAO found Watt's attempt to link the two events to Park Service purposes by arguing that party guests were free to tour the house and thus could become acquainted with its historic significance "too tenuous..."

The GAO report also stipulates that neither the voluntary donations nor Park Service appropriations nor Watt's official entertainment fund may be used to pay for the \$1,921 breakfast hosted by Watt's wife for approximately 20 cabinet wives and other guests.

The GAO said Watt may apply the \$4,500 that remains in his official entertainment fund to the cocktail party expenses, though not to pay for the breakfast. This is because unlike "the Christmas party, which was attended by government officials and their guests... the breakfast... was hosted and attended entirely by private persons," the GAO's report said.

State's water-fluoridation law ruled invalid

ALTON, Ill. (AP)—A Circuit Court judge has ruled that Illinois' law requiring fluoridation of public drinking water is unconstitutional, it was announced Friday.

Judge Ronald Niemann told state officials to stop enforcing the law and ordered the Alton water company to halt fluoridation.

Richard W. Cosby, first assistant Illinois attorney general, and Mary Huck, a spokeswoman for state's Public Health Department, said the ruling was the first of its kind in the state.

"We're not exactly pleased by this," Cosby said, adding that his office would appeal Niemann's decision and seek a delay in enforcement of the judge's order.

Cosby said that he had not seen the decision, but that if it is properly worded, it could apply statewide.

However, he added that the attorney general's office has not had to go to court to force any community to comply with the law and predicted the ruling probably will have no immediate effect outside Alton.

"We don't expect the city of Chicago, for instance, to stop fluoridating its water tomorrow," Cosby said.

Niemann's ruling, dated Wednesday, was not filed in Circuit Court in Edwardsville until Friday.

The decision came a year and half after a trial before Niemann, a visiting judge from Salem, on a 14-year-old suit filed against the state and Alton's water company by fluoridation opponents.

The fluoridation law, Niemann said, violates the spirit and letter of the due process section of the Illinois Constitution. Niemann said the law amounted to "an unreasonable

exercise of police power." He said the Illinois Public Health Department and the state Environmental Protection Agency may no longer enforce the law.

"In view of the plaintiffs' evidence, even though it has long been recognized that artificial fluoridation of public water supplies helps fight tooth decay, a risk exists of serious health hazards," Niemann wrote.

He said there was insufficient evidence to support the state's claim that fluoridation is a safe means of promoting dental health.

"The court is not satisfied... that the state has taken a hard enough look at the long-term effects on humans.... The suit challenging the state's 1967 fluoridation law was filed in 1968 by the Illinois Pure Water Committee, based in Alton.

Warsaw Times-Union 2-19-82 NIPSCO Rebutts Pollution Charges

Five Indiana utilities have filed documents with the Environmental Protection Agency to rebut charges that they are causing air pollution in three Eastern states.

The documents, filed Thursday by the Indiana utilities, including the Northern Indiana Public Service Co. (NIPSCO), were in response to petitions filed over the last two years by New York, Pennsylvania

and Maine which contend pollution problems in the East are worsened by pollutants carried into their states by prevailing easterly winds.

The Pennsylvania petition seeks reductions in emissions from utilities in Indiana, Ohio, Illinois, Kentucky and West Virginia.

In their response, the utility companies said the pollution in the

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ARE YOU AWARE that you do something 17,000 times every day? That's how many times you breathe. And unless the Clean Air Act of 1970 is protected, you'll be breathing air contaminated by dangerous chemicals. The Reagan administration, in collaboration with industry lobbyists, has launched a campaign to gut the Clean Air Act, known as the "breathers' bill of rights" against polluters. Write your congressman.

EPA shelves toxic-waste ban

TR13 1 MAR 82

New York Times News Service

WASHINGTON—The Environmental Protection Agency, in a proposal that would reverse rules banning burial of hazardous liquids in drums at special landfills, wants to permit such sites to fill 25 percent of their capacity with barrels of toxic liquids.

The agency also said it is suspending the existing ban for 90 days while comments on the proposal are heard. The action permits barrels of any hazardous liquids to be dumped at the landfills in that period.

Under the Resource Conservation and Recovery Act, interim standards banning such disposal methods for liquid wastes went into

effect last October.

Before that, barrels of toxic liquids were permitted to be buried at waste disposal landfills. Such health emergencies as that at Love Canal in Niagara Falls were blamed on disintegrating drums of hazardous chemicals that leaked years after burial.

IN A NOTICE sent last week to the Federal Register for publication, the agency said it wanted to change the rules because the prohibition is unworkable. It also said the rules barring burial of barrels containing even minute amounts of liquids could create health hazards by requiring barrels of wastes to be

opened to determine if they contain such liquids.

The EPA publishes proposed rule changes in the Federal Register and gives 90 days for public comment. The changes go into effect in 90 days unless the public comment causes the EPA to change its mind or unless the proposed rules are blocked by court action.

The proposed changes, however, are being opposed by an unusual alliance of environmentalists and some private companies that object that the government wants to change the rules after they invested in other disposal methods.

Marvin Durning, an attorney for a new

Continued on page 12, col. 1

EPA shelves toxic-waste ban

Continued from page one

trade group called the Hazardous Waste Treatment Council, whose members engaged in incineration and other disposal methods, said the council planned to file a petition Monday in Federal District Court in Washington to block the 90-day lifting of the rules.

The council's draft petition said the proposed change would have an adverse economic impact on its members and would pose a threat to public health and the environment.

DURNING, A FORMER chief of enforcement for the EPA, said the group hoped to be joined in its petition by the Environmental Defense Fund, a nonprofit group that deals with environmental hazards, including the issue of toxic waste disposal. Kristine Hall, an attorney for the defense fund, indicated her group would join the effort.

"This would be a giant step backward," she said. "They are going to let them put the stuff in the ground with no controls. Those things leak. That's why they were banned in the first place."

She also described the federal agency's initiative as "flying in the face of a progressive industry" that was engaged in environmentally preferable means of

waste disposal.

IN ITS NOTICE, the EPA acknowledges that waste containers eventually degrade when placed in landfills and that their liquid contents leach. As the drums collapse and disintegrate, the landfills themselves can sink, allowing more water to collect and increasing the leaching problem.

The agency said the proposed formula for letting 25 percent of the volume of hazardous waste dumps consist of chemicals in drums was derived from a proposal by the Chemical Manufacturers Association, which includes most major chemical companies, and the National Solid Waste Management Association, companies that operate waste disposal facilities.

In its petition requesting a stay of the 90-day suspension of the ban, the Hazardous Waste Treatment Council complained that the agency improperly based its decisions on information from parties that would benefit from the decision. It did not specify those parties but said the suspension violated the Administrative Procedures Act, which requires advance notice be given and comment taken on proposed regulatory action.

EPA lifts ban on burying toxic liquids in landfills

WASHINGTON (AP)—The Environmental Protection Agency has lifted a ban on burying barrels of hazardous liquids at waste disposal landfills for 90 days while it considers a permanent rules change to allow such dumping.

The proposal was made public in a press release after the agency sent its notice last week to the Federal Register for publication, thereby soliciting comment as a required step in the policy reversal.

In the past, barrels of toxic liquids could be buried at landfills. The disintegration of such drums, which leaked years after burial, was blamed for problems encountered at Love Canal in Niagara Falls, N.Y.

MARVIN DURNING, an attorney for a coalition of environmentalists and business firms known as the Hazardous Waste Treatment Council, said he would file a petition Monday in U.S. District Court here to block the EPA suspension, the New York Times

suspension because of the investments the firms have made in alternative forms of disposal, the newspaper reported.

The EPA said in the press release that it seeks to revise its own May, 1980, rule under the Resource Conservation and Recovery Act because present bans are unworkable. The act provided that interim standards banning landfill disposal methods went into effect in October.

"THE AGENCY has evidence that the current prohibition may be too extreme for practical application in the near future," the EPA said. "EPA believes it is impractical . . . to eliminate all liquid from hazardous wastes destined for landfills. However, EPA contends that the number of containers holding liquids placed in a landfill should be minimized."

The proposal would permit the disposal sites to fill up to a quarter of their capacity with barrels of toxic liquids, the release said.

The agency acknowledged that containers eventually leak, but said "special precautions